

D-2883

SHANGHAI MUNICIPAL POLICE.

SHANGHAI MUNICIPAL POLICE
C. & S. B. REGISTRY.

REPORT

No. D 2883
H.Q. Crime Branch Station
Date 31.1.32
Date March 29, 1932.

Subject (in full) Extradition of Bernhard von Kleist

Made by D.S.I. Ovsiannikoff Forwarded by Supt. Quayle

Sir,

At 9.30 a.m. on March 29th 1932, acting on instructions received from the Shanghai Special District Court, I proceeded to the Amoy Road Gaol and received into my custody the accused Bernhard von Kleist. At 10 a.m., same date, he was taken by me on board the s.s. "Derfflinger" and handed over to Mr. Th. Thele, captain of the s.s. "Derfflinger", in presence of Mr. R. C. W. Behrend, consul of the local German Consulate. The seized property was also handed over at the same time. The attached are receipts given by the German Consulate and Captain Th. Thele as per instructions of the Special District Court.

I am, Sir,

Yours obediently

V. Ovsiannikoff

D.S.I.

100/29/32
D.C. (Crime)

P.A. (CR)

*Suggest these papers be filed and
noted.*

C 5

File

31/3/32

W. Quayle

Q. 10

31.3.32

March 29th., 1932.

To the Shanghai First Special District Court.

This is to certify that Bernhard von Kleist together with his personal effects has been duly handed over to us on the s.s. "Derfflinger" at 10.30 a.m. on March 29th., 1932.

Consulate General for Germany
at Shanghai.

*The original of the above was taken by
S. I. ? Orsiantoff and returned to the
German Consul. C.R. 211/32.*

This is to certify that Mr. Bernhard von Kleist and his belongings
were handed over in the presence of the German consul, Mr. Behrend, to
Captain Th. Thele of the S/S. "Derfflinger" on the 29th of March 1932.

Shanghai March 29th. 1932.

Behrend
German Consul.

L. Thele

Kapit.

D. "Derfflinger"

Receipt

This is to certify that I, the undersigned, received from the Shanghai Municipal Police the following property of Mr. Bernhard von Kleist which was seized by the Municipal Police on instructions of the Shanghai Special District Court.

- (1) Memorandum of deposit book on the National City Bank of New York.
- (2) One check book on the National City Bank of New York.
- (3) One gold Movado watch.
- (4) 1 pr. white gold cufflinks and one pr. of buttons.
- (5) One small gold chain.
- (6) One pearl tie pin.
- (7) One photo camera.
- (8) One pr. of binoculars.
- (9) One passport.

Shanghai 29 May 1932

K. J. Fehrend.
German Consul.

H. Thech
Kapt.

D. "Derfflinger"

List of property Seized in
the Room of Mr. Von Kleist (his own
property) at 128 Weikawer Road

- 1) Memorandum of deposit
book on National City Bank
- 2) Check book on National City
Bank
- 3) One gold Morado watch
- 4) White gold ~~es~~ Cufflinks
+ buttons
- 5) One small gold chain
- 6) One pearl tie-pin
- 7) One photo camera

Forwarded
V. Sudarmanoff
Oct 1

8) One pr. of Binoculars

9) One driving permit N150K.
On the name of Von Kleist.

V. Rossmittelhoff
D.S.

Gerhard Kleist

Witnessed by
Lieut H. Evans.

SHANGHAI MUNICIPAL POLICE.

REPORT

H.Q.C.B. Station,

Date March 25, 1932

Subject (in full) Extradition of Bernhard von Kleist.

Made by D.S.I. Ovsiannikoff Forwarded by Supt. Quayle

Sir,

At 9 a.m. on March 25th 1932 acting on instructions of the Shanghai Special District Court the accused Bernhard von Kleist was brought before Judge Dzien of the same Court, who informed the accused that the Shanghai Special District Court has received instructions from the Ministry of Foreign Affairs of the Nationalist Government to hand him over to the local German Consulate for extradition to Germany. Mr. R. C. W. Behrend, German Consul, who attended the Court, then informed Judge Dzien that the Consulate is prepared to receive the accused at 10 a.m. on March 29th on board the S.S. "Derflinger", which sails at 11 a.m. on the same date for Germany. In view of the above the Court decided to hand him over to the representative of the German Consulate at 10 a.m. on March 29 on board of the said boat. Judge Dzien requested the Police to take the accused and his property on board the S.S. "Derflinger" and obtain receipt from the representative of the German Consulate, who will accompany the accused on his way to Germany. In addition to this a permission was granted by the Judge to the accused to proceed to 128 Wei-Haiwei Road between 9 a.m. and 12 m.d. on March 25th 1932 and collect his personal effects. Between the said times he was also allowed to visit shops in the Settlement and buy necessary articles of clothing before departure.

When concluding the case Judge Dzien informed Mr. R. C. W. Behrend that the present case cannot be considered by the German Consulate as a precedent for the future. The accused was ordered to be temporary detained in the Amoy Road jail. Mr. Franklin, American Lawyer, appeared on behalf of the accused.

I am, Sir,

Yours obediently

D.S.I.

25 MAR 1932

SHANGHAI MUNICIPAL POLICE.

REPORT

H.Q. C.B. Station,

Date March 14, 1932.

Subject (in full) Extradition of Bernhard von Kleist

Made by D.S.I. Ovsiannikoff Forwarded by Supt. Quayle

Sir,

At 9 a.m. on March 14th 1932 the accused Bernhard von Kleist again appeared before Judge Dzien at the Shanghai Special District Court and made application for release on a personal bond. A representative of the German Consulate General who attended the Court informed Judge Dzien that the German Authorities have no objection to his release, but only on some nominal bail, provided that after release Bernhard von Kleist would report twice a week ^{in the} with local German Consulate. The representative of the German Consulate also informed the Court that according to the local Chinese press the decision was already reached by the Nationalist Government to extradite Bernhard von Kleist to Germany. Judge Dzien told the representative that the Shanghai Special District Court so far did not receive any official notification regarding the said decision, and that the Court will again communicate with the Chinese Authorities about the matter. Pending the reply from the Chinese Government Judge Dzien remanded the case 'sine die' and allowed the accused to be released on \$3000 shop security.

I am, Sir,

Yours obediently

V. Ovsiannikoff
D.S.I.

LCW
1573
D.C. (Crime)

SHANGHAI MUNICIPAL POLICE.

REPORT

H.Q. C.B. Station,

Date March 11, 1932.

Subject (in full) Extradition of Bernhard von Kleist

Made by D.S.I. Ovsiannikoff Forwarded by Supt. Quayle

Sir,

At 9 a.m. on March 11th 1932 acting on instructions of Shanghai Special District Court, the accused Bernhard von Kleist was brought before Judge Dzien of the same court. The accused made application before the Court for release on personal bond but Judge Dzien refused it on the grounds that he has not received yet consent of the local German Consular Authorities for his release, pending which the case was remanded till March 14th 1932.

I am, Sir,

Yours obediently

V. Ovsiannikoff

D.S.I.

D.C. (Crime)

Law
11/3

SHANGHAI SPECIAL AREA DISTRICT COURT,

江蘇上海特區地方法院

CRIMINAL JURISDICTION

刑 事

年 月 日

March 9, 1932

Dear Sir,

I have to inform you that Case No. 5/35915

S. M. P. (Bubbling Well Station)

VERSUS 訴

Bernhard Von Kliest

為 犯 Fraud
charged with

開 審 日 期
will come on for hearing on Friday

年 月 日 午
March 11, 1932 at 2.00 p.m.

Court No. 1 (Judge Dzien) Application made by
German Consulate for the extradition.

Yours faithfully,

司 法 官 員

Municipal Advocate.

SHANGHAI MUNICIPAL POLICE.

REPORT

H.Q.C.B. Station,

Date November 15, 1931

Subject (in full) Extradition of Bernhard Von Kleist

Made by D.S.I. Ovsiannikoff Forwarded by C.D.I. Hunter

Sir,

At 9 a.m. on November 14th 1931, the accused Bernhard Von Kleist again appeared before Judge Hyui in the Special District Court, when he was questioned by the Court regarding several fraud cases alleged committed by him whilst in Columbia, South America and in Spanish Morocco. The accused pleaded not guilty and informed the court that he is wrongly charged with the said crimes as the matter was already settled by his father, who is in Germany and that his father has documents to prove it. In view of the above the Court decided to remand the case Sine die and instructed the accused to write to his father and get the necessary documents from him. It appears to the undersigned that the Shanghai Special District Court intends to hear the charges preferred against Bernhard von Kleist in Shanghai for the crimes committed by him in Columbia and Morocco. There are no witnesses in Shanghai to give evidence to the effect that these crimes have been committed by Bernhard von Kleist. No body from the German Consulate General was present in the Court during the trial.

I am, Sir,

Yours obediently

V. Ovsiannikoff

D.S.I.

15/11 31
D. C. (Crime)

Dr. Voskamp

和
斯
康

SHANGHAI MUNICIPAL POLICE
C. & S. B. REGISTRY
No. S. B. D. 2887
11. 11. 31

C O P Y

November 11, 1931.

Sir,

I have the honour to inform you that notification has been received from the Shanghai Special District Court to the effect that the case of the extradition of Mr. Bernhard von Kleist will be heard by the said Court at 9 a.m. on November 14, 1931.

I have the honour to be,

Sir,

Your obedient servant,

Egd:- (R. C. AIERS)

Deputy Commissioner (Crime).

Consul General for Germany,

Shanghai.

*Letter sent out
11/11/31. H.P.
Case papers filed in H.Q. Crime
Branch (C.I.)*

November

11,

1.

Sir,

I have the honour to inform you that notification has been received from the Shanghai Special District Court to the effect that the case of the extradition of Mr. Bernhard von Kleist will be heard by the said Court at 9 a.m. on November 14, 1931.

I have the honour to be,

Sir,

Your obedient servant,



Deputy Commissioner (Crime).

Consul General for Germany,

Shanghai.

SHANGHAI MUNICIPAL POLICE.

REPORT

H.Q. Crime Branch Station,

Date November 11, 1931.

Subject (in full) Extradition of Bernhard von Kleist to Germany

Made by D.S.I. Ovsiannikoff Forwarded by C.D.I. Hunter

Sir,

I beg to report that on November 10, 1931, notification was received by the Bubbling Well Police Station from The Shanghai Special District Court to the effect that the case of extradition of Bernhard von Kleist, German citizen, will be heard by the Court at 9 a.m. on November 14, 1931. At 10 a.m. November 11th the undersigned proceeded to the German Consulate and informed Mr. George Scheffler, Consul of the said Consulate, regarding the notification received by the Police. It appears that the German Consulate was not informed by the Special District Court that the case will be tried on November 14, 1931, and therefore Mr. George Scheffler asked the undersigned to request D.C. (Crime) for issue of a letter addressed to the Consul General for Germany confirming the same.

I am, Sir,

Yours obediently

V. Ovsiannikoff
D.S.I.

D.C. (Crime)

J.H. 11/11/31

SHANGHAI MUNICIPAL POLICE.

REPORT

H.Q.C.B. Station,

Date August 21 1931

Subject (in full) Arrest of Bernhard Von Kleist

Made by D.S.I. Ovsiannikoff

Forwarded by D.S.I. Telfer

Sir,

On August 20th, Mr. Ru, Assistant Municipal Advocate, interviewed Judge Hyui regarding future developments in Mr. Von Kleist's case. Judge Hyui informed Mr. Ru that he sent all particulars of the case to the President of the Special District Court and the latter transmitted it to the Nanking Authorities for instructions.

[Handwritten initials]
21/8/31

[Handwritten signature: V. Ovsiannikoff]
D.S.I.

[Handwritten initials]
22 AUG. 1931

[Handwritten: Information]
21/8 *[Handwritten signature]*
D. C. (CRIME.)

SHANGHAI MUNICIPAL POLICE.

REPORT

H.Q.C.B. Station,

Date August 19th, 1931

Further
Subject (in full) Arrest of Bernhard Von Kleist.

Made by D.S.I. Ovsiannikoff

Forwarded by _____

Sir,

At 3 p.m. August 18th, I visited the German Consulate General and interviewed Mr. Georg Scheffler, Consul, of the said Consulate General, regarding the further steps which the Consulate is intending to take for extradition of Mr. Von Kleist to Germany. Mr. Georg Scheffler informed me that the German Consulate is in receipt of a telegram from the German Minister to China in which he informs the local German Consulate that the diplomatic negotiations were already started by him with the Nanking Government for extradition of Mr. Von Kleist to Germany. Mr. Georg Scheffler further stated that all necessary documents to produce a prima facie case are at present on the way from Germany to China. Mr. Ru, Assistant Municipal Advocate, who informed me at 8.30 a.m. on August 17th that the Special District Court is ready to hand the accused to the German Consulate General provided the said Consulate have made their arrangements to escort him to Germany, evidently misunderstood Judge Hyui's comments, when the latter said that he is quite satisfied with the evidence available in the case and that he will instruct the Police to detain Mr. Bernhard Von Kleist in custody pending further order.

At 8.30 a.m. August 19, D.S.I. Ovsiannikoff again interviewed Mr. Ru and the latter promised to see Judge Hyui, on August 20th and find out exactly what he meant when he said that the Court is satisfied with the evidence available in the case against Bernhard Von Kleist. Judge Hyui is sick at present.

19/8
J. Ovsiannikoff

V. Ovsiannikoff

D.S.I.

SHANGHAI MUNICIPAL POLICE.

REPORT

H.Q.C.B. Station,

Date August 17th, 1931

Subject (in full) Arrest of Bernhard Von Kleist

Made by D.S.I. Ovsiannikoff

Forwarded by Supt. Yorke

Sir,

With reference to the attached letter R. 10 - No. 3031/31 from the German Consulate General dated August 12, 1931, I beg to report that on August 13th 1931, I located Mr. Bernhard Von Kleist living in a boarding house owned by Mrs. H. Evans, American, at 128 Wei-Haiwei Road. On instructions of Mr. R. C. Aiers, D.C. (Crime) an application was made to the Shanghai Special District Court on August 14 for circular order of arrest of Bernhard Von Kleist.

At 2 p.m. same date the said order of arrest was received by D.S.I. Ovsiannikoff and taken to the American Consulate General where it was countersigned. At 7 p.m. August 14 D.S.I. Ovsiannikoff and D.S. McPhie proceeded to 128 Weihaiwei Road with intent to arrest Bernhard Von Kleist but on arrival at the said address it was ascertained that the wanted man was absent from the house and it was unknown definitely when he would return. In view of this, it was decided to arrest him early the following morning.

At 7.30 a.m. August 15th D.S.I. Ovsiannikoff and D.S. McPhie again proceeded to 128 Weihaiwei Road and arrested Bernhard Von Kleist. The accused when questioned regarding the alleged crimes committed by him in Germany denied knowledge of same. He stated that he left Germany about 5 years ago and lived in Columbia, South America and in Canada. While in Canada he married a Canadian girl with whom he lived for some time and then he left for China alone. He arrived in Shanghai on May 30th 1931 and rented a furnished flat of 3 rooms in the boarding house of Mrs. H. Evans 128 Weihaiwei Road. On August 4th his wife also arrived in Shanghai and joined him in the house of Mrs. Evans. According to the order of the Special District Court a search was made in the rooms occupied by Bernhard Von Kleist and the following property of value and

SHANGHAI MUNICIPAL POLICE.

REPORT

Station, _____

Date _____ 19__

Subject (in full) _____

Made by _____ Forwarded by _____

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documents were seized.

1) One deposit Bank book on the National City Bank of New York.

Shanghai, which contains the following entries.

16-5-31, deposited Mex. \$2,171.42

10-6-31, " " \$2,351.70

13-7-31, " " \$ 800.00

12-8-31, " " \$2,800.00

2) One check bank book on the National City Bank of New York.

3) One gold Movado pocket watch.

4) One pr. of white gold cufflinks and one pr. of white gold buttons.

5) One small gold watch chain.

6) One pearl neck tie-pin.

7) One photo Camera.

8) One pr. of binoculars.

9) One m/car driving permit No. 150 K. issued by S.M.P. to Mr. Bernhard Von Kleist.

10) One German pass part No. K 27 issued to Bernhard Von Kleist.

After the search a list of the seized property and documents was made out and it was signed by Mr. Von Kleist, Mrs. H. Evans and D.S.I. Ovsianikoff.

Bernhard Von Kleist except the mentioned property also owns an orthophonic gramophone No. 5030 which he bought for \$655.00 and to cover partly the said amount he signed 6 promisory notes to the China Finance Corporation for \$420 and the remainder \$235 paid in cash.

He also owns a m/car, which appears to be the property of Mrs. Evans as he borrowed money from her to buy the said car and so far

SHANGHAI MUNICIPAL POLICE.

REPORT

Station, _____

Date _____ 19

Subject (in full) _____

Made by _____ Forwarded by _____

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did not repay it.

After Mr. Von Kleist was arrested, Supt. Yorke was informed and on his instruction the accused was taken to the Bubbling Well Station and at 9 a.m. same date he appeared before Judge Hyui in the Special District Court. The charge against him was put as following:-

"Application by the German Consulate General, Shanghai for extradition to Germany. Offence "Fraud". After the evidence of the arrest was given by the Police, Mr. Georg Scheffler, Consul of the German Consulate General informed the Court that the Consulate had received a telegram from the Berlin Authorities requesting the Consulate to locate Bernhard Von Kleist and have him arrested and extradited to Germany for expezzlement and fraud. The contents of the telegram was read out by Mr. G. Scheffler and translated into Chinese by a Chinese clerk of the German Consulate, who also attended the Court. After hearing all the evidence available in this case Judge Hyui ordered to detain Bernhard Von Kleist in custody and also ordered to detain temporary the property seized by the Police. After the above order was given Judge Hyui informed Mr. Ru, assistant Municipal Advocate, that the Special District Court will hand the accused into the custody of the German Consulate General as soon as they have made arrangements to have Bernhard Von Kleist escorted back to Germany.

Mr. Georg Scheffler requested the Police to send to the German Consulate General the list of the seized property.

Bernhard Von Kleist when further questioned by D.S.I. Ovsiannikoff regarding the alleged crimes committed by him in Germany stated that he is not involved in any crime in the said country

SHANGHAI MUNICIPAL POLICE.

REPORT

Station, _____

Date _____ 19

Subject (in full) _____

Made by _____

Forwarded by _____

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but that while he was living in Columbia, South America he committed some criminal offences. He further stated that the Columbian Government who has no treaties with China can not ask the Chinese Government for his extradition to Columbia for trial and in view of this he believes that the Columbian Government approached the German Authorities with request to extradite him from China to Germany and then later they will extradite him to Columbia as they exists extradition treaty between Germany and Columbia. Bernhard Von Kleist refused to divulge ^{the} nature of the crimes committed by him in South America.

On August 17th, D.S.I., Ovsiannikoff will visit the German Consulate General and ascertain when the Consulate is going to take the accused into their custody.

V. Ovsiannikoff
D.S.I.

18/8

SHANGHAI MUNICIPAL POLICE.

ARREST REPORT.

CRIME REGISTER No. Assistance to the
German Consulate

Headquarters Division.

Crime Branch Police Station.

(One form to be used for each person arrested)

August 15th, 19 31.

Name, age, occupation and address of person arrested.	Bernhard Von Kleist, age 30, Business man, 128 Weihaiwei Road.
Arrested by	D.S.I. Ovsiannikoff and D.S. McPhes.
Date and place where arrest took place.	7.30 a.m. 15/8/31 128 Weihaiwei Road.
Crime Register No. of offence for which arrested. (If an arrest for outside authorities details of offence for which arrested).	Arrested on the application of the German Consulate General for extradition to Germany for embezzlement and fraud committed in the said country.
Name of investigating officer.	D.S.I. Ovsiannikoff.
Initials of Senior Detective.	

This report is to be forwarded to Headquarters on the morning after arrest.
It will be returned for particulars on back to be completed.
In case of arrests for outside authorities, no Crime Register Number to be shown.

(OVER)

**Translation of Circular Order
of Arrest, Shanghai Special
District Court, issued on
August 14, 1931.**

**It is ordered that Bernhard Franz Leo Ewald von
Kleist, a German citizen, residing at No. 128
Weihaiwei Road, should be immediately arrested
on a charge of forgery of documents, embezzle-
ment and fraud, and also that his property
should be ~~also~~ detained and sent to this
Court for disposal.**

Deutsches Generalkonsulat
Shanghai

Shanghai, August 12th, 1931.

Telegramm-Adresse: „Consugema“

R. 10.

3031/31.

U r g e n t !

Sir,

With reference to my letter of yesterday regarding the arrest of the German subject Bernhard Franz Leo Ewald von K l e i s t I herewith beg you to ask the Shanghai Special District Court for issuing a warrant of arrest.

After the arrestation has been effected, I should be very much obliged for an information in order that I deputy a representative of this Consulate General to the Court to attend the trial.

I have the honour to be,

Sir,

Yours faithfully



Consul General for Germany.

To

The Shanghai Municipal Police
Director of Criminal Investigation,
S h a n g h a i .

**Deutsches Generalkonsulat
Shanghai**

Shanghai, August 12th, 1931.

Telegramm-Adresse: „Consugema“

R. 10.
3031/31.

Sir,

I have the honour to inform you that according to telegraphic advices received from the German Authorities in Berlin the German District Court in Baerwalde has issued a warrant against

Bernhard Franz Leo Ewald von Kleist,
a German subject, for having committed forgery of documents, embezzlement and fraud. The aforesaid person is supposed to stay actually in this city of Shanghai, 128 Weihaiwei Road. As to his personal description such has been given as follows: born: December 9th, 1901 in Gross-Krossin near neu-Stettin; measure of height: 176 cm; general physical condition: strong, hair: darkblond; eyes: blue; nose and mouth: ordinary; bearing: lightly bending forward; golden tooth-work; is speaking German, French, Spanish an Arabic languages.

I

To

the Shanghai Municipal Police
Director of Criminal Investigation,

S h a n g h a i

I should be much obliged if you would give the necessary instructions to ascertain the whereabouts of the aforesaid person, who until now has been unknown to this Consulate general for Germany, to arrest him and to seize the money and other objects found in his possession. The formal extradition will be requested on the principle of reciprocity.

The Chinese Police and the President of the Shanghai Special Area Districts Court have been informed accordingly as well as the Mayor of Greater Shanghai.

Thanking you in anticipation for any help and assistance you may be able to lend in this matter,

I have the honour to be,

Sir,

Yours faithfully

A handwritten signature in dark ink, appearing to read 'J. von Collenberg'. The signature is fluid and cursive, with a large initial 'J' and a long, sweeping underline.

Consul General for Germany.

F. 22 D
SHANGHAI MUNICIPAL POLICE.

PRESENTATION SHEET.

Dated August 17, 1931.

Bubbling Well Police Station.

"B" Division.

Case No:—

Offence:—

Officer in charge of case:— D.S.I. Ovsianikoff

Name (s) of accused.

Bernhard von Kleist

Age and Nationality,—

30, German

Profession of accused:—

Businessman

Charge:—

Application by the German Consulate General,
Shanghai, for extradition to Germany, Offence "Fraud".

Result of case:—

Remand sine die

Sheet No. 5.

Proceed-
ings.

Mr Paul Y Ru appeared for the Police.
Messrs Franklin & Zung Tih Sih appeared for the accused.

Judge to wit Mr R.C.Benhrend (German Consul) :- What have you to say this morning.

Witness Mr R.C.Benhrend :- I ask the accused be handed over to us and a warrant will be issued by the German Government. We have no objection to the accused being released on security.

Judge :- As the accused has been detained for a long time in custody, I am going to release him on security, and as regards to the Extredition of the accused, I have not received any orders yet. I read in the newspaper the accused was allowed to be handed over, but this was not an official order.

Witness Mr R.C.Benhrend to Judge :- I wonder if the warrant issued by the German Government and the application for the handing over of the accused are effective or not.

Judge :- This we have not yet decided upon.

Witness Mr R.C.Benhrend to Judge :- For the time being, this Court will be responsible for the whereabouts of the accused.

Judge :- I am going to release him on security and if he goes to Germany, and in the meantime I should hand him over to you, it will be deemed he is handed over to you as he will be already in Germany.

Witness Mr R.C.Benhrend :- I hope the Court will make an order for his handing over before he goes to Germany.

Judge :- If the accused does not go to Germany for the time being, we will make an order to have him handed over to you if the Justice Authorities should approve of it, but the accused will not be handed over if they disapprove of it .

Witness Mr R.C.Benhrend :- I ask the Court to order the accused not to leave Shanghai for the time being.

Judge :- I do not think he can leave without your signature.

Mr Franklin :- This accused was on a visit with ~~him~~ his wife to Shanghai when he was arrested. He has no friends and no business

Case No. 5/25915. Sheet No. 6.

in Shanghai and his wife has gone back to Canada, and under these circumstances, it is impossible for him to raise \$5,000.00 unless the German Consul can raise it for him. The accused is a stranger in a strange land and has not a friend in China, and on the 22nd February, the German Consulate wrote to the accused offering to release him on his signature. Now the Court realises there is no treaty between China and Germany, but if there were it would have no effect in this Court as the scene of the crime was not in China.

Judge :- I do not want to hear the question of Extradition for the time being.

Mr Franklin :- I just wanted to show why the German Consul wanted the accused released on \$5,000.00 when they were willing to release him on his signature alone.

Judge to accused :- How much cash can you furnish to the Court for your bail.

Accused :- I have no cash.

Judge :- You must furnish some security, and I will be lenient and release you on \$3,000.00.

Mr Franklin :- The accused knows no one and has been in Gaol for 7 months.

Accused to put up \$3,000.00 shop security.

Decision.

F.Boorman.

Proceedings. Mr. Ru appears for the Police.
Mr. Lung Tih Sih for the accused.

Mr. Ru:- Seven months ago, the accused was arrested at the request of the German Consulate for Embezzlement and Fraud in Germany. The accused escaped to Shanghai and the Police arrested him on Weihaiwei Rd. The case was remanded till today, and now the Vice Consul of Germany is in Court and will give evidence in this case.

Judge to Vice Consul of Germany (Mr. Voskamp):- The accused is wanted by the German Consulate, but this Court ^{have/} has received no documents for his handing over. It is the opinion of the Courts that the accused is now to be released on security, and he will be handed over to you as soon as the Court receives proper documents. As the accused has been detained for 7 months, the German Consulate requested the Minister of Foreign Affairs of Republic of China to release him on security for the time being.

Mr. Voskamp in answer to Judge :- I object to the accused being released on security, as the German Consul did not receive any information regarding this point. May I ask the Court to appoint the Judicial Police to watch the accused for a day or two, and at the same time I will wire to Germany for the proper documents for handing over.

Mr. Lung to Judge :- The accused is a stranger in Shanghai and has no friends or relatives, therefore he is unable to furnish security. It is impossible for the accused to run away from Shanghai as he must go a passport from the Minister of Foreign Affairs.

Accused:- I have a letter in Amoy Rd Gaol from the German Consulate stating that they agree to my release.

Decision. Remand till Monday 14/3/32, 9.30 a.m. for further trial.
Accused to be detained in custody.

W.B.

Handwritten signature

CB HO's case.

Handwritten signature

Handwritten mark

Reg. No. 5/35915

Stn. B/ell

Prosecutor

Judge Hyui

Fm. L. D. L. Revised 5-31. G. 100 m-5-31

Sheet No. 2.

Proceedings

Mr. Lea appeared for the police.
" Kung Tih Shih for accused.

Accused:- I came to Shanghai on the 15th. May 1931 to look for work, but I have not had a chance to obtain any as I have been in gaol three months. I had no work here previous to that. I came from San Francisco to here. I was in Pagoda in Columbia in 1926. & left there in Sept. 1930. I was employed in the office of Seimon & Co. I received many cheques for them, but I did not cash one for \$32,000.00 before I left Columbia. I only left that firm to get another job. I admit leaving the company without the managers consent.

Judge to Acc:- The Seimon Co. have taken action against you in Germany. & a warrant is issued for your arrest.

Acc:- I dont know what it is for, although I have seen the warrant here. I was not in Morocco from 1926 to Nov, this year ? I was running my own business there in 1920 as a railway constructor. I admit acting as agent for a man named Ellermein for a short time, That was in the summer of 1925. A merchant paid certain drafts of money to Ellermein, which I took a certain amount of, but the money has been returned. I did not receive any receipts for the money I returned. My father paid the money & I think he might have the receipts. My father wrote me saying that he had repaid the money. I went from Africa to Germany & arranged things with my father. I did not remove the name of the person to whom a shipment of goods was addressed to, put my name on it & convert it to my own use. A shipment of goods were not intercepted by me from a dye firm in Germany. Neither did I receive a shipment of goods from another firm & put it to my own use. The money paid by my father was paid in Germany at the offices of Ellermein & Co. at Dresden.

Here accused wrote the man & address of his father (Handed to judge)/

Sheet No. 3.

Acc:- I did not receive any letter paper, despose of it & put the proceeds to my own use. I dont know the total amount, which was repaid by my father. This took place six years ago. If Ellermein & Co, wanted to take action. why did they not do so, in 1926? not waite until 1931. There was no actual reason why I left Ellermein & Co, My work was up to date to the day I left. I just left to look for another job.

Decision.

Accused to be detained pending the date for further hearing to be set.

A. G.

S. K.

Extract of proceedings in Shanghai Special District Court for Saturday, 18th. Aug 1934

Register No. 5/35515 **Station** B'Well **Procurator** _____ **Judge Mr.** Byrd

Accused

Bernhard Von Kleist, German () **Age** 30.

Charge

Application by the German Consulate, Shanghai, for the extradition to Germany, offence "Fraud".

Proceedings.

Mr. Ru appeared for the Police.

Accused:- I am a German subject and came here during May. I have been living at 138, Wei-Hai-Wei Road and am unemployed.

Mr. Ru:- The accused is wanted in connection with a charge of obtaining money by false pretences and ~~fraud~~ forgery in Germany. He absconded to Shanghai. A cable was received at the German Consulate and a warrant for his arrest applied for from this Court. A representative of the Consulate is here and he will make formal application for his handing over in order that he may be sent to Germany to stand trial.

D.S. Ovsianikoff:- The Police applied for a warrant for the arrest of the accused at the request of the German Consulate. He was arrested at 138, Wei-Hai-Wei Road and the following property found at his house now awaits disposal :- A bank deposit book, a cheque book, a gold watch, a pearl tie-pin, a motor car driving licence, a passport, a camera and a pair of binoculars. The inventory was signed by the proprietress of the establishment and the accused. (In answer to the Judge):- The accused has \$800.00. deposited in the bank.

Mr. Scheffer:- I am the representative of the German Consulate. We applied for the arrest of the accused and the handing over of his effects as he is wanted in Germany. I do not know when the offence was committed but there is a warrant out for him there. He will be put on board a German mail boat. (The cablegram from Germany was here read out to the Court).

Accused:- I have not been in Germany for 5 years and do not know why I am wanted there. I am a native of the district mentioned in the cablegram.

Mr. Ru:- I would ask that the Court make an order for all the property to be handed over in accordance with the list presented.

Decision.

**Accused to be detained pending further order.
A seized property to be temporarily detained.**

S.A. Hulse.